



**LAC-IEE-15-48**

## **ENVIRONMENTAL THRESHOLD DECISION**

<b>Activity Location:</b>	Colombia
<b>Activity Title:</b>	Land and Rural Development Program (formerly Land and Livelihood program)
<b>Activity Number:</b>	TBD
<b>Life-of-Activity Funding:</b>	\$68 million
<b>Life-of-Activity:</b>	30 July 2012 – 30 July 2018
<b>IEE prepared by:</b>	Marcela Chaves, Office of Consolidation and Enhanced Livelihoods
<b>Reference ETDs and EAs:</b>	LAC-IEE-13-05
<b>Recommended Threshold Decision:</b>	Categorical Exclusion, Negative Determination with Conditions Positive Determination
<b>Bureau Threshold Decision:</b>	Concur with recommendation

### **Comments:**

This Environmental Threshold Decision amends LAC IEE 13-05 to extend the life-of-activity by 6 months – a no-cost extension until July 30, 2018, including a positive determination in the ETD, all other determinations and conditions continue to apply.

A **Categorical Exclusion** is issued to Land and Livelihood Program for the following components:

1. Drafting and or amending policies, laws, decrees, and strategies incorporating field perspectives in national policymaking, except for the ones that may cause significant environmental impacts, as stated below under “Positive Determination”.
2. Capacity strengthening of government institutions engaged in land restitution and formalization and rural development, through training, development of institutional systems and processes (communication and coordination, financial management, technical programming), and the development of coordinated information/knowledge systems.
3. Design and implementation of an integrated land information system;
4. Awareness rising on land and rural development
5. Establishing a viable monitoring and evaluation system to track the land program.

These activities fall into the following categories according to 22 CFR 216.2(c)(2):

- (i) Education, Technical Assistance or Training programs except to the extent such programs include activities directly affecting the environment (such as construction of facilities, etc.);
- (ii) Analysis, studies, academic or research workshops and meetings;
- (v) Document and information transfers;
- (xiv) Studies, projects or programs intended to develop the capability of recipient countries to engage in development planning, except to the extent designed to result in activities directly affecting the environment (such as construction of facilities, etc.)

**A Negative Determination with Conditions** is issued to Land and Livelihood Program for the following components:

6. “Ensuring conditions for sustainable livelihoods in communities, which include returning households”; and
7. “Pilot livelihood projects”.

The following conditions will be incorporated into these activities:

- To ensure compliance with USAID environmental regulation 22 CFR 216, the Implementing Partner (IP) is responsible for utilizing the information and monitoring system “MONITOR” as instructed by the MEO. The IP shall ensure that appropriate environmental guidelines are followed and that mitigation measures described in the Threshold Decisions for each of these

activities are funded and implemented, including any necessary training or capacity building, and adequate monitoring.

**A Positive Determination** is issued to the Land and Rural Development Program for activities that may cause significant environmental impacts, including :

- i. Support to the GOC's legal framework in regularization of land tenure and property rights.
- ii. Support to the GOC in piloting methodologies for massive land titling, recovery of state lands, adjustment of legal frameworks related to land policy implementation.
- iii. Support to the GOC to monitor and evaluate its land policy implementation policies.
- iv. Support to Departmental and Municipal land use planning.

**Additional Responsibilities and Conditions:**

- Each activity manager or Contracting (or Agreement) Officer Representative (COR or AOR) is responsible for making sure environmental conditions are met (ADS 204.3.4). In addition, CORs/AORs are responsible for ensuring that appropriate environmental guidelines are followed, mitigation measures in the IEE are funded and implemented, and that adequate monitoring and evaluation protocols are in place to ensure implementation of mitigation measures.
- To ensure compliance with the USAID environmental regulation 22 CFR 216, the Implementing Partner (IP) is responsible for utilizing the Monitor system as instructed by the Mission Environment Officer. The IP shall ensure that appropriate environmental guidelines are followed and that mitigation measures described in the pertinent Threshold Decision for each of these activities are funded and implemented, including any necessary training or capacity building, and adequate monitoring.
- Applicable best management practices can be found in the USAID Sectoral Environmental Guidelines for Development Activities in Latin America and Caribbean available at the following web site:  
[http://www.usaid.gov/locations/latin\\_america\\_caribbean/environment/docs/epiq/epiq.html](http://www.usaid.gov/locations/latin_america_caribbean/environment/docs/epiq/epiq.html)
- An amendment of this IEE is required for any activity resulting in policy changes that have the potential to affect negatively the environment, large scale irrigation and other activities not yet designed and therefore not described in this document. Any use, or training for the use, of pesticides in other projects listed in this IEE would require a PERSUAP and IEE amendment.
- The MEO, and/or his designee, reserves the right to conduct spot monitoring checks for all of the activities listed in this IEE to ensure that the conditions listed in the IEE, ETD, and subsequent environmental management plans from Monitor are being followed.

- The implementing contractor or partner will ensure that all activities conducted under this instrument comply with all relevant ETDs. Also, through its regular performance monitoring and reporting requirements, a section on environmental compliance (e.g. mitigation monitoring results) will be included.
- Language from “Environmental Compliance: Language for Use in Solicitations and Awards – An Additional Help for ADS Chapter 204” must be included, as appropriate, in award documents (see: <http://www.usaid.gov/policy/ads/200/204sac.pdf>). It is the responsibility of the Assistance Objective (AO) Team and/or Contracts/Agreements Officer to ensure that environmental compliance language from the ETD is added to procurement and obligating documents.

### Amendments

- Amendments to Initial Environmental Examinations (IEE) shall be submitted for LAC Bureau Environmental Officer (BEO) approval for any activities not specifically covered in the IEE, which include:
  - Funding level increase beyond ETD amount,
  - Time period extension beyond ETD dates (even for no cost extension), or
  - A change in the scope of work, such as the use of pesticides or activities subject to Foreign Assistance Act sections 118 and 119 (e.g. procurement of logging equipment), among others.
- Amendments to IEEs may require an Environmental Assessments (EA) and approval of these documents by the LAC BEO could require an annual evaluation for environmental compliance.
- In addition, language from “Environmental Compliance: Language for Use in Solicitations and Awards – An Additional Help for ADS Chapter 204” must be included, as appropriate, in award documents (see: <http://www.usaid.gov/policy/ads/200/204sac.pdf>) .

 Date [Sep. 25, 2015]

Victor H. Bullen  
Bureau Environmental Officer  
Bureau for Latin America & the Caribbean

Copy to:

Peter Natiello, Mission Director,  
USAID/Colombia  
Marcela Chaves, OCEL  
Jeff Goebel, OCEL  
Daniel Lopez, MEO

Gina Cady, REA South America  
Paul Schmidtke, REA CAR

Copy to:

Eric Kite, Mary Bliss, LAC/OLA  
Doug Pulse, Vanessa Reilly, LAC/RSD/DHR

Copy to:

IEE File

**Attachments:**

- Initial Environmental Examination Amendment

File: P:\LAC.RSD.PUB\RSDPUB\ENV\Reg 216\IEE\IEE15/ LAC-IEE-15-48 ETD (CO – Land and Rural Development Program, amend LAC-IEE-13-05).docx



## **AMENDED INITIAL ENVIRONMENTAL EXAMINATION**

<b>Activity Location:</b>	Colombia
<b>Activity Title:</b>	Land and Rural Development Program
<b>Activity Number:</b>	TBD
<b>Life-of-Activity Funding:</b>	\$68,000,000
<b>Life-of-Activity:</b>	July 30, 2012 – July 30, 2018
<b>IEE prepared by:</b>	Marcela Chaves, Office of Consolidation and Enhanced Livelihoods
<b>Reference ETDs:</b>	LAC-IEE-10-63, LAC IEE-13-05
<b>Recommended Threshold Decision:</b>	Positive Determination
<b>Date prepared:</b>	July 30, 2015

### **1. BACKGROUND AND ACTIVITY DESCRIPTION**

This amendment to LAC IEE 13-05 requests from the LAC Bureau Environmental Officer (BEO) (I) approval of 6 months no-cost extension until July 30, 2018 and (II) Including a positive determination in the ETD.

The goal of the Land and Rural Development Program (LRDP) is to support the development of tools, systems, and skills to enable the Government of Colombia (GOC) to fulfill its mandate to resolve the land restitution and formalization issues at the heart of the conflict. The Land and Rural Development Program will build the capacity of the institutions to administer and manage the programs to reconstitute land to victims of conflict, extend land titling in prioritized rural areas, and promote sustainable rural development to enable beneficiaries of land interventions to retain and make productive and efficient use of their land.

The program had been providing support on the three land reform components which are a) restitution, b) formalization, and c) rural development, plus crosscutting support to have efficient and timely access to land data and to ensure a differential approach to benefit women, children,

and ethnic communities. During program implementation, the COR in discussions with the MEO realized that the program has been addressing land reform issues that require greater attention of the environmental implications and impacts of such reform.

## **1.1 Overview and description of activities**

To accomplish its goal of stable, sustainable rural development, the GOC objectives will need to develop and/or adjust a framework of relevant, transparent policies, laws, and practices and utilize public resources for implementation in a focused, accountable manner. Successful implementation requires that the GOC develop effective capacity within government institutions, reflected in sufficient funding, knowledgeable staff, adequate equipment, processes and systems, and coordination and communication within and between institutions and between the national and subnational GOC actors. Systems for gathering, managing, and sharing information upon which to base policies and actions are especially important. Finally, the GOC must inform stakeholders about and engage active non-governmental partners in its land and rural development strategy, in order to leverage and mobilize resources, build crucial political support, and foster accountability.

USAID is assisting the GOC to achieve these objectives by providing support through the LRDP. The program is designed with four components and a crosscutting theme:

COMPONENT 1. Improved capacity of the GOC at the regional and national levels to restitute land to the victims of conflict.

COMPONENT 2. Improve capacity of regional and national GOC entities to formalize rural property rights and to allocate public lands (baldios).

COMPONENT 3. Improved capacity of regional and national government entities to allocate and execute public resources for rural public goods that meet the community needs and market requirements.

COMPONENT 4. Improved information available and efficiently used to deliver land rights services.

CROSSCUTTING: To support the GOC national and regional government entities for proper incorporation of a differential support in land and rural development policy implementation in benefit of the most vulnerable populations, including women, children, and ethnic minorities.

These components include support to the following illustrative activities:

1. Provide technical assistance to develop the restitution regulatory framework and to improve the effectiveness of the restitution institutional procedures.
2. Provide technical assistance and conduct legal analysis to help the GOC reform administrative procedures and agrarian processes for titling public and private lands.
3. Provide technical assistance to increase the number of titles issued.
4. Strengthen institutional capacity for the administration of all agrarian processes related to rural property.
5. Support the development of the legal framework necessary to support massive formalization by the GOC.
6. Support the institutional reforms led by the GOC to enable massive land formalization.

7. Strengthen the institutional capacity of the Ministry of Agriculture and Rural Development, (MARD) and authorities involved in the design and implementation of efforts for massive land formalization.
8. Strengthen the capacity of departments and municipalities to support land formalization, through improved municipal planning
9. Support the formulation and implementation of municipal formalization plans in LRDP regions.
10. Implement strategic pilot activities to demonstrate and learn from new methodologies for achieving formalization targets.
11. Support the improvement of agrarian and legal processes for the recovery and administration of public lands.
12. Support institutional analysis and reforms needed to create and operationalize the land fund.
13. Support the GOC in the identification and prioritization of community needs and projects by promoting spaces for community participation, aiming to facilitate the design and implementation of rural development initiatives with a bottom-up approach.
14. Support the development of land use plans using GOC guidelines.
15. Improve SINERGIA's capacity to monitor the GOC's land and rural development policies, and support regular communication and results reporting to civil society.
16. Support the development and implementation of indicators reporting tools aiming to facilitate the follow up of the public local and rural development initiatives.

### **III. Justification for Environmental Determination**

The Land and Rural Development Program is providing support to the following activities:

1. Support to the GOC's legal framework in regularization of land tenure and property rights.
2. Support to the GOC in piloting methodologies for massive land titling, recovery of state lands, adjustment of legal frameworks related to land policy implementation.
3. Support to the GOC to monitor and evaluate its land policy implementation policies.
4. Support to Departmental and Municipal land use planning.

All these activities are impacting the way how land and ultimately natural resources will be used. The areas subjected to this titling process often belong to strategic ecosystems in forested lands or are important for fauna and flora habitat, besides being key in the regulation of water flow and the provision of ecosystem services. Environmental considerations will need to be mainstreamed into the decision making process when deciding on land use planning and titling.

According to 22 CFR; 216.2(d) (vi) (vii) New lands development and Resettlement projects are expected to have significant impacts on the environment and are subjected to a positive determination.

### **IV. Recommendation**



Based on the above discussion, it is recommended that the LAC Bureau Environmental Officer (BEO) approve:

**1) A Positive Determination** for activities that may cause significant environmental impacts:

- v. Support to the GOC's legal framework in regularization of land tenure and property rights.
- vi. Support to the GOC in piloting methodologies for massive land titling, recovery of state lands, adjustment of legal frameworks related to land policy implementation.
- vii. Support to the GOC to monitor and evaluate its land policy implementation policies.
- viii. Support to Departmental and Municipal land use planning.

**Additional Responsibilities and Conditions:**

- Each activity manager or Contracting (or Agreement) Officer Technical Representative (COTR or AOTR) is responsible for making sure environmental conditions are met (ADS 204.3.4). In addition, COTRs/AOTRs are responsible for ensuring that appropriate environmental guidelines are followed, mitigation measures in the IEE are funded and implemented, and that adequate monitoring and evaluation protocols are in place to ensure implementation of mitigation measures.
- To ensure compliance with the USAID environmental regulation 22 CFR 216, the Implementing Partner (IP) is responsible for utilizing the Monitor system as instructed by the Mission Environment Officer. The IP shall ensure that appropriate environmental guidelines are followed and that mitigation measures described in the pertinent Threshold Decision for each of these activities are funded and implemented, including any necessary training or capacity building, and adequate monitoring.
- Applicable best management practices can be found in the Environmental Guidelines for Development Activities in Latin America and Caribbean available at the following web site: [http://www.usaid.gov/locations/latin\\_america\\_caribbean/environment/docs/epiq/epiq.html](http://www.usaid.gov/locations/latin_america_caribbean/environment/docs/epiq/epiq.html)
- An amendment of this IEE is required for any activity resulting in policy changes that have the potential to affect negatively the environment, large scale irrigation and other activities not yet designed and therefore not described in this document. Any use, or training for the use, of pesticides in other projects listed in this IEE would require a PERSUAP and IEE amendment.
- The MEO, and/or his designee, reserves the right to conduct spot monitoring checks for all of the activities listed in this IEE to ensure that the conditions listed in the IEE, ETD, and subsequent environmental management plans from Monitor are being followed.
- The implementing contractor or partner will ensure that all activities conducted under this instrument comply with all relevant ETDs. Also, through its regular performance monitoring and reporting requirements, a section on environmental compliance (e.g. mitigation monitoring results) will be included.

- Language from “Environmental Compliance: Language for Use in Solicitations and Awards – An Additional Help for ADS Chapter 204” must be included, as appropriate, in award documents (see: <http://www.usaid.gov/policy/ads/200/204sac.pdf>). It is the responsibility of the Assistance Objective (AO) Team and/or Contracts/Agreements Officer to ensure that environmental compliance language from the ETD is added to procurement and obligating documents.

### **Amendments**

- Amendments to Initial Environmental Examinations (IEE) shall be submitted for LAC Bureau Environmental Officer (BEO) approval for any activities not specifically covered in the IEE, which include:
  - Funding level increase beyond ETD amount,
  - Time period extension beyond ETD dates (even for no cost extension), or
  - A change in the scope of work, such as the use of pesticides or activities subject to Foreign Assistance Act sections 118 and 119 (e.g. procurement of logging equipment), among others.

**Approval:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Peter Natiello  
Mission Director, USAID/Colombia

**Clearance Page for Land and Rural Development program:**

\_\_\_\_\_  
Marcela Chaves

Office of Consolidation and Enhanced Livelihoods

Date: \_\_\_\_\_

\_\_\_\_\_  
Jeff Goebel

Office of Consolidation and Enhanced Livelihoods

Date: \_\_\_\_\_

\_\_\_\_\_  
Daniel Lopez

Mission Environmental Officer

Date: \_\_\_\_\_

\_\_\_\_\_  
Paul Schmidtke, Regional  
Environmental Advisor

Date: \_\_\_\_\_